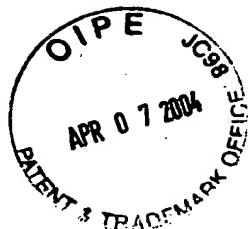


DOCKET NO./ 0660-0155-0 DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Patrice COURVALIN, et al.

SERIAL NO.: 09/357,375

FILED: July 20, 1999

:

: GROUP ART UNIT: 1652

:

: EXAMINER: R.HUTSON

FOR: POLYPEPTIDES IMPLICATED IN THE EXPRESSION OF RESISTANCE TO
GLYCOPEPTIDES, IN PARTICULAR IN GRAM-POSITIVE BACTERIA,
NUCLEOTIDE SEQUENCE CODING FOR THESE POLYPEPTIDES AND
USE FOR DIAGNOSIS

DECLARATION UNDER 37 C.F.R. §1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes Patrice Courvalin who states that:

1. I am a named inventor on the above-identified application.
2. I am graduate of...Medical SCHOOL.....at ...PARIS.....and
received my ...Doctorate.....degree in the year.....1974.....
3. I ~~have~~ am employed byINSTITUT PASTEUR.....for.....35.....years as
a.....Professor.....
4. I have read and understand the claims currently on file in the above-identified application.
5. I understand that one of the issues in this application concerns the public availability, or
lack thereof, of the plasmid described Brisson-Noel et al. (1990) Antimicrobial Agents and
Chemotherapy 34(5):924-927.

6. To the best of my recollection, natural plasmid pIP816 harboured by *E. faecium* strain BM4147 described in Brisson-Noel et al and characterized in my laboratory was not made available to anyone outside of my laboratory before the filing date of the original application from which the present application No. 09/357,375 claims priority.
7. To the best of my recollection the bacteria containing the pIP816 plasmid and plasmid DNA were only available to the individuals working under my supervision.
8. The bacteria and the plasmid remained restricted to my laboratory until the filing date of the original application from which the present application claims priority.
9. I further declare that all statements made herein of are of my own knowledge are true and that all statements made on information are believed to be true. Further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Patrice Courvalin

26/03/04

Date